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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**All American RV Resorts I, LLC,  
Fort Wayne, Indiana,**

**Respondent.**

)  
) **REQUEST PURSUANT TO SECTION**  
) **308 OF THE CLEAN WATER ACT**  
) **(CWA), 33 U.S.C. §1318(a)**  
)  
)  
) **DOCKET NO. V-404-308-12-25**  
)

The following request is made pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the above referenced statute and duly redelegated to the undersigned Director, Water Division. This request for information pertains to the alleged unauthorized discharge of dredged or fill material or both into waters of the United States in conjunction with recreational vehicle site development at 5453 North Blue Lake Road, in Churubusco, Whitley County, Indiana ("site"). See Exhibit #1 for an illustration of the site.

**INSTRUCTIONS**

Please provide the information described below within 30 days of receipt of this request, under an authorized signature to the address below: Director, Water Division, U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Greg Carlson (WW-16J).

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secret. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA it may be made available to the public by EPA without further notice to you.

EPA requests this information under Section 308(a) of the CWA, 33 U.S.C. § 1318(a), which provides that: "Whenever required to carry out the objective of this Act, the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment and methods (including where appropriate, biological monitoring methods), (iv) sample such effluents and (v) provide such other information as he may reasonably require; and the Administrator or his authorized representative, upon presentation of his credentials shall have a right of entry to any premises in which an effluent source is located or in which any records are located, and may at reasonable times have access to and copy any records and sample any effluents."

The information requested below must be submitted under an authorized signature with the following certification:

Ex. 19

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to 18 U.S. C. §§ 1001 and 1341.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section § 3501-3520 because it seeks information relevant to an ongoing enforcement action.

### REQUEST FOR INFORMATION

1. Provide copies of all documents and information you possess which physically describe the site, including, but not limited to:

- A) surveys, both topographic or boundary;
- B) soil borings, samples or descriptions;
- C) vegetation surveys;
- D) site hydrological surveys, e.g., plans and data characterizing ground, surface or storm water flows;
- E) engineering design or site plans (including planning, zoning or development plans);
- F) all site imagery, including satellite, aerial or ground based photographs, digital products, videotape or equivalent formats or platforms;
- G) delineations or determinations of "waters of the United States," including wetlands and streams. This includes all field notes and is not limited to formal reports; and
- H) any flood way or flood plain documentation.

*Boundary survey included and has topographical survey he'll send if 'necessary'; 'engineering design plans may be provided electronically; flood plain documentation on survey*

2. For the site, provide copies of all documents that characterize any movement or placement of sand, silt, clay, rock, organic debris (i.e., vegetation that is alive or dead), topsoil, subsoil, spoil, fill or dredged material, including, but not limited to rip rap, erosion control structures, filling, grading, trenching, soil or vegetation stockpiling (even if only temporary), clearing of vegetation, dredging, culvert placement, dike construction, access road construction, drag-lining, bulldozing or any other method of moving earthen material or organic debris.

If you have no records, use a narrative description in characterizing the sequence, substance and methods of site earth work and vegetative clearing, e.g., using scaled drawings to clearly delineate site activities.

*None; 'ongoing necessary yearly happenings'!*

3. For the work accomplished in Question No. 2, above, identify the number of days during which each work event occurred. *'Ongoing'- no documents*

the operational relationship between All American RV Resorts I, LLC, and the other listed entities. *Separate entities*

11. Provide copies of all other information or documents that you deem relevant to this matter.

*Did not provide sewer permit or entire appraisal*

Please be advised that the submission of false statements may subject you to federal prosecution under 18 U.S.C. § 1001 and that this or any other failure to comply with the requirements of Section 308 as requested by EPA may result in an enforcement action under Section 309 of the CWA, which provides for specified civil or criminal penalties. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Date: \_\_\_\_\_

\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

1. *Floodplain Consultants, Inc. map of site; Blue shaded area appears to be the floodplain; 800 East 56<sup>th</sup> Street, Brownsburg, IN 46112; 800-9945-0246; [www.floodplain.com](http://www.floodplain.com) - undated*
2. *B&W colored aerial (2) – undated*
3. *Nov. 3, 2010 (2/11/11 review) Loughheed & Assoc., Inc. Blue Lake Cmpgrd, Sanitary Sewer Utility, Blue Lake conservancy District – site plan – scale too small to determine location of sewer; Owner listed as B.Schaper, Metro Real Estate, Inc. at Ft. Wayne address*
4. *Sept. 1, 1998, Misner & Associates, Inc. Appraisal of Blue Lk Cmpgrd; pp. 19, 28-38 and cover ltr.*
5. *Oct. 15, 2012 email from Whitley Co. Planning – includes listing of electrical permits*
6. *Salesman and son Trucking, Inc. Invoice No. 17938, May 8, 2012 to Metro Real Estate, Inc., c/o Brian Schaper, 2042 Broadway, Ft. Wayne, IN 46802; No. 17848 sand to Metro Real Estate, Inc. 4/3/12; No. 17891, sand to Metro, 4/11/12; No. 17829 sand and gravel to Metro, 3/28/12; No. 17781 sand and gravel to Metro, 3/9/12*
- 7.



4. Based on any earthmoving or organic debris moving activities conducted at the site, identify the types of machinery used to move or place sand, silt, clay, rock, topsoil, subsoil or fill, dredged, or organic material.

*Names many*

5. Provide copies of all documents that memorialize or describe the relationship between you and any person or contractor you may have hired or compensated for site work involving the movement or placement of sand, silt, clay, rock or fill, dredged or organic materials in any part of the site. Documents may include, but are not limited to contracts, contractor payments, work logs or time records, invoices, canceled checks, receipts, or bills of sale.

*Sand and gravel payments for Salesman and sons for roads and beach sand – in subsequent telephone message to PFelleti he claims that these invoices cover whole site and not necessarily the area of concern – he will check to see if they do by talking to contractor*

6. Provide copies of all documents concerning any efforts you made or directed to determine whether the site or any portion thereof contained wetlands or other waters of the United States as defined under Federal regulations found at 40 C.F.R., Part 232 and 33 C.F.R., Part 328 (see Exhibit #2 for a copy of the “waters of the United States” regulatory definition). Identify all persons involved in this determination by name, title and address. Provide any field notes, maps and surveys used in this effort.

*Meet w/ envt'l consultant, but not now involved*

7. Provide copies of all documents relating to whether you have ever applied for or received a federal permit at the site, including nationwide, regional, general, individual or after-the-fact permits, issued pursuant to the CWA, including, but not limited to Section 404. Documents may include, but are not limited to, permits, permit application materials and related correspondence, or specific informational sources that address CWA programs. This includes, but is not limited to informational, educational or regulatory materials regarding Section 404 of the CWA from any source.

*None*

8. Provide copies of all documents relating to whether you have ever applied for or received a permit issued pursuant to Indiana state law at the site, including, but not limited to the Indiana Department of Natural Resources or IDEM. Documents may include, but are not limited to permits, permit application materials and related correspondence, or specific informational, educational or regulatory sources that address Indiana environmental laws addressing land, water or air.

*None*

9. Provide copies of all documents relating to whether you have ever applied for or received a permit issued pursuant to the authorities of Indiana County government or Indiana Townships or any sub unit of local government at the site, including utility providers and planning and zoning departments. Documents may include, but are not limited to, permits, permit application materials and related correspondence, or specific informational, educational or regulatory sources that address local environmental or land use related programs.

*Permits for electrical – what about sewer?*

10. Please describe the corporate and ownership relationship between All American RV Resorts I, LLC, and the following: All American RV Resorts II, LLC; All American RV Resorts III, LLC; All American RV Resorts IV, LLC; and All American RV Resorts V, LLC. Also, describe